

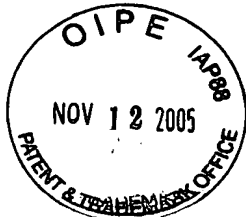
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Case Docket No. 7152
Date: November 11, 2005

Mail Stop Appeal Briefs - Patents
THE COMMISSIONER OF PATENTS
PO Box 1450
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Re: Application of: Smith et al
Serial No.: 09/945,202
Filed: August 31, 2001
For: INSULATION BATT AND PACKAGE

Art Unit: 1745
Examiner: RHEE, Jane J.

Sir:

Transmitted herewith is/are the following document(s) related to the above-identified application:

- ☐ Notice of Appeal
- ☐ Associate Power of Attorney
- ☒ Appeal Brief
- ☐ Request for Oral Hearing

Please extend the time for filing the Notice of Appeal ____ () month to ____.

The fee has been calculated as shown below:

Notice of Appeal	\$500.00	
Appeal Brief	\$500.00	500.00
Request for Oral Hearing	\$1000.00	
Fee for Extension of Time		
1 month \$120.00, 2 months \$450.00, 3 months \$1020.00		
Total		500.00

- ☒ Charge \$500.00 to Deposit Account No. 10-0625.
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- ☒ Two additional copies of this sheet are enclosed.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: John B. Smith et al

Art Unit: 1745

Serial No. 09/945,202

Filed: August 31, 2001

For: INSULATION BATT AND PACKAGE

Rhee, Jane J.

Examiner

November 11, 2005

**APPELLANT'S BRIEF ON APPEAL
UNDER 37 C.F.R. SECTION 41.31(a)(i)**

Mail Stop Appeal Briefs-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Appellants hereby appeal the decision of the Examiner as set forth in the Office Action dated April 22, 2005, wherein the Examiner rendered a final rejection of claims 1 to 32. Appellant's Notice of Appeal was filed on September 15, 2005, with an appropriate extension of time, and hence, this brief, is timely.

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I. REAL PARTY IN INTEREST

Johns Manville International, Inc., having a place of business at 717 17th Street, Denver, Colorado, 80202, is the assignee of the subject patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences or judicial proceedings or decisions, known to Appellants, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 to 32 are pending in the application. Appellants hereby appeal the rejection of claims 1 to 32. Claims 33 to 63 have been canceled.

IV. STATUS OF AMENDMENTS

Appellants' amendment filed on July 19, 2005 has been entered for purposes of appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The insulation package 10, claimed in independent Claim 1, is shown in Figures 1 and 2 and described on page 5, line 8 to page 6, line 4. The insulation package 10 contains a plurality of both uncut resilient fibrous insulation batts 24 and pre-cut resilient fibrous insulation batts 26 that are stacked, compressed in a direction perpendicular to the major their surfaces, and contained together within a covering 12. The pre-cut resilient fibrous insulation batts 26 have longitudinally extending separable batt sections. Figures 10 to 12 show and the specification describes, on page 14, lines 9 to 21 and page 16, lines 1 to 12, a pre-cut resilient fibrous insulation batt 26 that has longitudinally separable batt sections 44, 46, 48, and 50. The batt sections (e.g. batt sections 44, 46, 48 and 50) of Figure 10 are separably joined to each adjacent batt section by a series of cut means (e.g. the cuts 34 of Figure 11) and separable connector means (e.g. separable connectors 36 of Figure 11) that extend the length of the pre-cut fibrous insulation batt and hold the pre-cut fibrous insulation batt together as a unit for handling. As described in the specification on page 15, lines 21 to 35, each of the separable connector means 36 is separable by hand to separate adjacent batt sections from each other whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width. The cut means 34 are closed to prevent the formation of thermal bridges in the direction of the thickness of the pre-cut resilient fibrous insulation batt 26 (page 3, lines 21 to 24 and page 15, lines 33 to 35). Between 30% and 80% of the resilient fibrous insulation batts in the insulation package 10 are uncut resilient fibrous insulation batts 24 and between 20% and 70% of the resilient fibrous insulation batts in the insulation package 10 are pre-cut resilient fibrous insulation batts 26 (page 5, lines 31 to 34).

The insulation package 20, claimed in independent Claim 17, is shown in Figure 3 and described on page 6, line 5 to page 7, line 3. In the insulation package 20, a plurality of insulation packages 14 and 16 are bound together with bands 18 to form a unitized insulation package 20. The insulation packages 14 each contain a stack of uncut resilient fibrous insulation batts (e.g. uncut insulation batts 24) that are enveloped in a covering. The insulation packages 16 each contain a stack of pre-cut resilient fibrous insulation batts (e.g. pre-cut insulation batts 26 that) are enveloped in a covering. The pre-cut resilient fibrous insulation batts 26 have longitudinally extending separable batt sections. Figures 10 to 12 show and the specification describes, on page 14, lines 9 to 21 and page 16, lines 1 to 12, a pre-cut resilient fibrous insulation batt 26 that has longitudinally separable batt sections 44, 46, 48, and 50. The batt sections (e.g. batt sections 44, 46, 48 and 50) of Figure 10 are separably joined to each adjacent batt section by a series of cut means (e.g. the cuts 34 of Figure 11) and separable connector means (e.g. separable connectors 36 of Figure 11) that extend the length of the pre-cut fibrous insulation batt and hold the pre-cut fibrous insulation batt together as a unit for handling. As described in the specification on page 15, lines 21 to 35, each of the separable connector means 36 is separable by hand to separate adjacent batt sections from each other whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width. The cut means 34 are closed to prevent the formation of thermal bridges in the direction of the thickness of the pre-cut resilient fibrous insulation batt 26 (page 3, lines 21 to 24 and page 15, lines 33 to 35). Between 30% and 80% of the resilient fibrous insulation batts in the insulation package 10 are uncut resilient fibrous insulation batts 24 and between 20% and 70% of the resilient fibrous insulation batts in the insulation package 10 are pre-cut resilient fibrous insulation batts 26 (page 6, lines 31 to 33).

The faced pre-cut resilient fibrous insulation batts of claim 10 which depends indirectly from claim 1 and claim 26 which depends indirectly from claim 17 are shown in Figures 13 to 15 and described in the specification on page 18, lines 7 to 32 (please note on line 10 "FIG. 11" should be "FIG. 13" and line 31 "FIG. 12 and 13" should be "FIG 14 and 15"). Except for the facing sheet 152, the faced pre-cut fibrous insulation batt 126 of Figures 13 to 15 is the same as the unfaced pre-cut fibrous insulation batt 26 of Figures 10 to 12. The facing sheet 152 of each of the faced pre-cut resilient fibrous insulation batts 126 of claims 10 and 26 has a pair of lateral tabs 156 extending along the length of the batt and additional pairs of tabs 158, 160, and 162 that are at least substantially aligned with the separable connector means 136 of the batts. The tabs of the additional pairs of tabs 158, 160, and 162 are joined to each other by the perforated lines 164, 166, and 168.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 to 9, 11 to 25, and 27 to 32 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Berdan II, U.S. Patent No. 5,350,063 (hereinafter, "Berdan II"; copy enclosed) in view of Weinstein et al, U.S. Patent No. 6,165,305 (hereinafter, "Weinstein et al"; copy enclosed).

Claims 10 and 26 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Berdan II, U.S. Patent No. 5,350,063 (hereinafter, "Berdan II"; copy enclosed) in view of Weinstein et al, U.S. Patent No. 6,165,305 (hereinafter, "Weinstein et al"; copy enclosed) and further in view of Allwein et al, U.S. Patent No. 5,817,387 (hereinafter, "Allwein et al"; copy enclosed).

The issues on appeal may be stated as follows:

Whether claims 1 to 9, 11 to 25, and 27 to 32 are unpatentable under 35 U.S.C. Section 103(a) over Berdan II in view of Weinstein et al.

Whether claims 10 and 26 are unpatentable under 35 U.S.C. Section 103(a) over Berdan II in view of Weinstein et al and further in view of Allwein et al.

VII. ARGUMENT

ARGUMENT RELATING TO THE REJECTION OF CLAIMS 1 to 9 and 11 to 16

Claims 1 to 9 and 11 to 16 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Berdan II in view of Weinstein et al.

Berdan II discloses an insulation shipping package unit 18 for compressible insulation products that comprises at least two insulation packages 14. The only insulation packages disclosed or suggested by Berdan II are insulation packages made up of a plurality of a single type of insulation batt 10 shown in Figure 1. Berdan II doesn't disclose or suggest packaging two types of fibrous insulation batts together in a package and clearly does not disclose or suggest packaging both uncut and pre-cut fibrous insulation batts together in a package to facilitate the insulation of both standard width and non-standard width cavities by an installer with both uncut and pre-cut resilient fibrous insulation batts.

Weinstein et al disclose a pre-cut fibrous insulation batt made up of a plurality of separable batt sections that is used to insulate both standard width and non-standard width cavities (col. 1, lines 9-17). As shown in Figures 3 and 5, the batt sections 38, 40 and 42 are formed by cuts 34, 36 and batt sections 138, 140 and 142 are formed by cuts 134, 136. The

cuts 34, 36 and 134, 136 are continuous and extend in from a major surface of the batt to leave separable connectors adjacent the opposite major surface of the batt that join the batt sections together. Weinstein et al disclose that it is common for 50% or more of the framing members in the exterior walls of residential structures to be spaced apart at nonstandard distances less than the standard spacing between such framing members. However, even though Weinstein et al disclose that 50% or more of the framing members in the exterior walls of residential structures are spaced apart less than a standard distance and issued about six years after Berdan II, Weinstein et al only teach insulating both standard width and non-standard with cavities with their pre-cut separable batts. Weinstein et al don't disclose or suggest packaging two types of fibrous insulation batts together in a package and clearly does not disclose or suggest packaging both uncut and pre-cut fibrous insulation batts together in a package to facilitate the insulation of both standard width and non-standard width cavities by an installer with both uncut and pre-cut resilient fibrous insulation batts.

Claims 1 to 16 define an insulation package, such as the insulation package shown in Figures 1 and 2, containing both uncut and pre-cut fibrous insulation batts. More specifically, claim 1 and dependent claims 2 to 16 define an insulation package that includes a plurality of uncut and pre-cut resilient fibrous insulation batts in a compressed stack. Each of the pre-cut fibrous insulation batts has a plurality of longitudinally extending batt sections formed in the pre-cut fibrous insulation batt by a plurality of longitudinally extending closed cut means spaced inwardly from lateral edges of the fibrous insulation batt and located intermediate the batt sections of the fibrous insulation batt. Each of the batt sections are separably joined to adjacent batt sections by separable connector means that extend along the length of the pre-cut fibrous insulation batt. Each separable connector means is separable by hand to separate adjacent batt sections whereby the pre-cut fibrous insulation batt can be handled as a unit for

insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width. The stack of resilient fibrous insulation batts contained within the package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. The stack of resilient fibrous insulation batts is compressed in a direction perpendicular to the major surfaces of the insulation batts in the stack and the stack of resilient fibrous insulation batts is enveloped within a covering to form the package containing both uncut and pre-cut resilient fibrous insulation batts.

As discussed above, Berdan II and Weinstein et al do not disclose or suggest an insulation package containing two types of resilient fibrous insulation batts let alone a stack of both uncut and pre-cut resilient fibrous insulation batts. Furthermore, neither Berdan II and Weinstein et al disclose or suggest an insulation package containing a stack of both uncut and pre-cut resilient fibrous insulation batts wherein the stack of resilient insulation batts contained within the package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. Since the insulation package of the present invention contains between 20% and 70% pre-cut resilient fibrous insulation batts and between 30% and 80% uncut resilient fibrous insulation batts, an insulation contractor using the insulation packages of the present invention to insulate a building can quickly and easily insulate both the standard and non standard width cavities of the building without having to cut the insulation batts longitudinally at the job site to size the batts for cavities of less than a standard cavity width and without having to unnecessarily handle additional insulation packages.

Berdan II merely discloses an insulation package containing a single type of insulation

batt. Weinstein et al disclose a precut resilient fibrous insulation batt that can be used in its fabricated form to insulate standard width building cavities (such as wall cavities) or quickly and easily separated into sections and thereby reduced in width to insulate building cavities of lesser widths. Since Weinstein et al teaches that their pre-cut resilient fibrous insulation batt is to be used to insulate both standard width and less than standard width cavities, Weinstein et al teaches away from the use of uncut resilient fibrous insulation batts and the desirability of packages containing both pre-cut resilient fibrous insulation batts and uncut resilient fibrous insulation batts. There is simply no suggestion in either Berdan II or Weinstein et al of an insulation package containing both uncut and pre-cut fibrous insulation batts let alone a package wherein the package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. For the reasons discussed above, claims 1 to 9 and 11 to 16 are patentable over Berdan II in view of Weinstein et al.

ARGUMENT RELATING TO THE REJECTION OF CLAIMS
17 to 25 and 27 to 32

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Claims 17 to 25 and 27 to 32 have been rejected under 35 USC 103(a) as being unpatentable over Berdan II in view of Weinstein et al.

Claims 17 to 32 define an insulation package, such as the insulation package shown in Figure 3, containing both uncut and pre-cut fibrous insulation batts. More specifically, claim 17 and dependent claims 18 to 25 and 27 to 32 define a unitized insulation package that includes a plurality of insulation packages bound together as a unit. Each of the individual insulation packages in the unitized insulation package comprises a plurality of resilient fibrous insulation batts in a stack and a covering that envelops the stack of batts. The resilient fibrous insulation

batts contained in a first set of the insulation packages contained within the unitized insulation package are uncut resilient fibrous insulation batts. The resilient fibrous insulation batts contained in a second set of the insulation packages contained within the unitized insulation package are pre-cut resilient fibrous insulation batts. Each of the pre-cut fibrous insulation batts in the second set of insulation packages has a plurality of longitudinally extending batt sections formed in the pre-cut fibrous insulation batt by a plurality of longitudinally extending closed cut means spaced inwardly from lateral edges of the fibrous insulation batt and located intermediate the batt sections of the fibrous insulation batt. Each of the batt sections are separably joined to adjacent batt sections by separable connector means that extend along the length of the pre-cut fibrous insulation batt. Each separable connector means is separable by hand to separate adjacent batt sections whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width. The first set of insulation packages containing the uncut fibrous insulation batts forms between 30% and 80% of the insulation packages in the unitized package and the second set of insulation packages containing the pre-cut fibrous insulation batts forms between 20% and 70% of the insulation packages in the unitized package.

Berdan II and Weinstein et al do not disclose or suggest a unitized insulation package wherein packages with two different types of resilient fibrous insulation batts are bound together let alone a unitized insulation package wherein packages with uncut and pre-cut resilient fibrous insulation batts are bound together. Furthermore, neither Berdan II nor Weinstein et al disclose or suggest a unitized insulation package containing both packages of uncut and pre-cut resilient fibrous insulation batts wherein the insulation packages contained

within the unitized package include between 30% and 80% packages of uncut fibrous insulation batts and between 20% and 70% packages of pre-cut fibrous insulation batts. Since the unitized insulation package of the present invention contains between 20% and 70% pre-cut resilient fibrous insulation batts and between 30% and 80% uncut resilient fibrous insulation batts, an insulation contractor using the unitized insulation packages of the present invention to insulate a building can quickly and easily insulate both the standard and non standard width cavities of the building without having to cut the insulation batts longitudinally at the job site to size the batts for cavities of less than a standard cavity width and without having to unnecessarily handle additional insulation packages.

Berdan II merely discloses an insulation package containing a single type of insulation batt. Weinstein et al discloses a pre-cut resilient fibrous insulation batt that can be used in its fabricated form to insulate standard width building cavities (such as wall cavities) or quickly and easily separated into sections and thereby reduced in width to insulate building cavities of lesser widths. Since Weinstein et al teaches that their pre-cut resilient fibrous insulation batt are to be used to insulate both standard width and less than standard width cavities, Weinstein et al teaches away from the use of an uncut resilient fibrous insulation batts and the desirability of packages containing both pre-cut resilient fibrous insulation batts and uncut resilient fibrous insulation batts. There is simply no suggestion in either Berdan II or Weinstein et al of a unitized insulation package containing both packages of uncut and pre-cut fibrous insulation batts that are bound together let alone a unitized insulation package wherein the unitized insulation package includes between 20% and 70% pre-cut fibrous insulation batts and between 30% and 80% uncut fibrous insulation batts. For the reasons discussed above, claims 17 to 25 and 27 to 32 are patentable over Berdan II in view of Weinstein et al.

ARGUMENT RELATING TO THE REJECTION OF CLAIMS
10 and 26

Claims 10 and 26 have been rejected under 35 USC 103(a) as being unpatentable over Berdan II in view of Weinstein et al and further in view of Allwein et al.

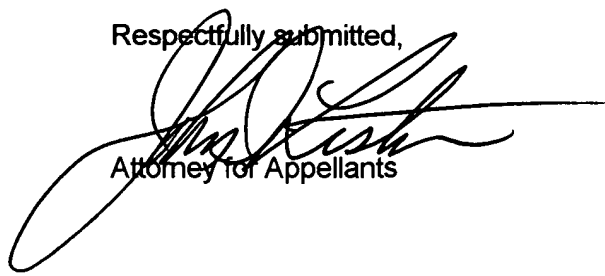
Allwein et al disclose encapsulated insulation batt assemblies 20 that include an insulation material such as a single uncut fibrous batt 24 encapsulated within an envelope 26. The ends of the individual insulation batt assemblies 20 are joined together by the encapsulating sheet material that forms the envelope about each separately encapsulated batt. While the individual insulation batt assemblies 20 are separable from each other along transverse perforations 42, the individual insulation batt assemblies 20 are not separable longitudinally, the envelopes of the individual insulation batt assemblies 20 are not separable longitudinally, and there are no longitudinally extending tabs in the envelopes between the side or lateral tabs 34.

Claims 10 and 26 each define the faced pre-cut resilient fibrous insulation batts of the claimed packages as each having a facing sheet bonded thereto that has additional pairs of tabs, at least substantially aligned with the separable connector means of and extending along the length of the pre-cut fibrous insulation batt to which the facing sheet is bonded, for securing the batt sections of the pre-cut fibrous insulation batt to framing members. As discussed above, Allwein et al discloses transverse perforations for separating individual insulation batts from each other but does not disclose or suggest individual insulation batts that are separable longitudinally, that have envelopes that are separable longitudinally, or that have longitudinally extending tabs in the envelopes between the side or lateral tabs. Thus, claim 10

is patentable for the reasons discussed in this paragraph and discussed above in connection with the rejection of claims 1 to 9 and 11 to 16. Thus, claim 26 is patentable over Berdan II, Weinstein et al, and Allwein et al for the reasons discussed in this paragraph and discussed above in connection with the rejection of claims 17 to 25 and 27 to 32.

In view of the arguments presented by Appellants with respect to the patentability of claims 1 to 32, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the rejection of and allow claims 1 to 32, all of the claims remaining in the subject patent application.

Respectfully submitted,


Attorney for Appellants

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CLAIMS APPENDIX

1. An insulation package comprising:

a plurality of resilient fibrous insulation batts in a stack; each of the resilient fibrous insulation batts having a length, a width and a thickness; each of the resilient fibrous insulation batts having a first major surface and a second major surface; the resilient fibrous insulation batts including uncut fibrous insulation batts and pre-cut fibrous insulation batts;

each of the pre-cut fibrous insulation batts having a plurality of longitudinally extending batt sections formed in the pre-cut fibrous insulation batt by a plurality of longitudinally extending cut means spaced inwardly from lateral edges of the pre-cut fibrous insulation batt and located intermediate the batt sections of the pre-cut fibrous insulation batt; each of the cut means being closed to prevent a formation of thermal bridges in the direction of the thickness of the pre-cut fibrous insulation batt; the batt sections being separably joined to adjacent batt sections by separable connector means, extending along the length of the pre-cut fibrous insulation batt, for holding the pre-cut fibrous insulation batt together for handling; and each of the separable connector means being separable by hand to separate adjacent batt sections from each other whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width;

between 20% and 70% of the stack of resilient fibrous insulation batts being the pre-cut fibrous insulation batts; between 30% and 80% of the stack of resilient fibrous insulation batts being the uncut fibrous insulation batts;

the stack of resilient fibrous insulation batts being compressed in a direction

perpendicular to the major surfaces of the insulation batts; and

the stack of resilient fibrous insulation batts being enveloped within a covering to form a package containing the resilient fibrous insulation batts that includes between 20% and 70% of the pre-cut fibrous insulation batts and between 30% and 80% of the uncut fibrous insulation batts.

2. The insulation package according to claim 1, wherein:

each of the resilient fibrous insulation batts is between about 10 inches and 24 inches in width; and successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths such that, by separating at least one of the batt sections from the pre-cut fibrous insulation batt, an integral batt can be formed having any of a series of selected widths that range from a width of about $1\frac{1}{2}$ to 3 inches to a greater width less than the width of the pre-cut fibrous insulation batt and that differ in width in increments that are between about 1 inch and about 4 inches in width.

3. The insulation package according to claim 2, wherein:

each of the resilient fibrous insulation batts is about 15 inches in width; and the successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths of about $2\frac{1}{2}$, 4, 4, and $4\frac{1}{2}$ inches.

4. The insulation package according to claim 2, wherein:

each of the resilient fibrous insulation batts is about 23 inches in width; and the successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths of about $3\frac{1}{2}$, 4, 4, and $11\frac{1}{2}$ inches.

5. The insulation package according to claim 2, wherein:

each of the resilient fibrous insulation batts is about 23 inches in width; and the successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths of about 3, 4, 4, 3, 4 and 5 inches.

6. The insulation package according to claim 2, wherein:

each of the resilient fibrous insulation batts is a resilient glass fiber insulation batt; the density of each of the resilient fibrous insulation batts is between about 0.4 pounds/ft³ and about 1.5 pounds/ft³; the length of each of the resilient fibrous insulation batts is at least 46 inches; the thickness of each of the fibrous insulation batts is at least 3 inches.

7. The insulation package according to claim 1, wherein:

a facing sheet overlies and is bonded to the first major surface of each of the resilient fibrous insulation batts; and each of the facing sheets overlying and bonded to one of the pre-cut fibrous insulation batts has a separable means therein extending for the length of the pre-cut fibrous insulation batt for permitting the facing sheet to be separated by hand along the length of the separable connector means of the pre-cut fibrous insulation batt whereby the pre-cut fibrous insulation batt with the facing sheet can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or easily separated into sections by hand at one of the separable connector means of the pre-cut fibrous insulation batt and the separable means of the facing sheet for insulating a cavity having a width less than the width of the pre-cut fibrous insulation batt.

8. The insulation package according to claim 7, wherein:

the separable means of each of the facing sheets bonded to one of the pre-cut fibrous insulation batts are perforated lines in the facing sheet.

9. The insulation package according to claim 8, wherein:

perforations of each of the perforated lines of each of the facing sheets bonded to one pre-cut fibrous insulation batts are filled with a bonding agent that bonds the facing sheet to the first major surface of the pre-cut fibrous insulation batt to close the perforations so that the facing sheet functions as a vapor barrier.

10. The insulation package according to claim 9, wherein:

each of the facing sheets has a first pair of tabs, adjacent lateral edges of the first major surface of and extending along the length of the resilient fibrous insulation batt to which the facing sheet is bonded, for securing the resilient fibrous insulation batt to framing members; and

each of the facing sheets bonded to one of the pre-cut fibrous insulation batts has additional pairs of tabs, at least substantially aligned with the separable connector means of and extending along the length of the pre-cut fibrous insulation batt to which the facing sheet is bonded, for securing the batt sections of the pre-cut fibrous insulation batt to framing members; and each tab of each the additional pairs of tabs is joined to the other of the pair of tabs by one of the perforated lines.

11. The insulation package according to claim 1, wherein:

the separable connector means are formed in the pre-cut fibrous insulation batts by partial cuts in the pre-cut fibrous insulation batts, intermediate adjacent batt sections of the

pre-cut fibrous insulation batt, that do not completely sever the batt between the adjacent batt sections; and the partial cuts are closed to prevent the formation of thermal bridges by the resilience of the pre-cut fibrous insulation batt.

12. The insulation package according to claim 1, wherein:

each of the cut means is a series of cuts passing from the first major surface to the second major surface of the pre-cut fibrous insulation batts; each of the separable connector means is a series of separable batt connectors separated and formed by the series of cuts; and the cuts are closed to prevent the formation of thermal bridges by the resilience of the pre-cut fibrous insulation batt.

13. The insulation package according to claim 12, wherein:

each of the resilient fibrous insulation batts is between about 10 inches and 24 inches in width; and successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths such that, by separating at least one of the batt sections from the pre-cut fibrous insulation batt, an integral batt can be formed having any of a series of selected widths that range from a width of about $1\frac{1}{2}$ to 3 inches to a greater width less than the width of the pre-cut fibrous insulation batt and that differ in width in increments that are between about 1 inch and about 4 inches in width.

14. The insulation package according to claim 13, wherein:

each of the resilient fibrous insulation batts is a resilient glass fiber insulation batt; the density of each of the resilient fibrous insulation batts is between about 0.4 pounds/ft³ and about 1.5 pounds/ft³; the length of each of the resilient fibrous insulation batts is at least 46 inches; the

thickness of each of the fibrous insulation batts is at least 3 inches.

15. The insulation package according to claim 13, wherein:

a facing sheet overlies and is bonded to the first major surface of each of the resilient fibrous insulation batts; and each of the facing sheets overlying and bonded to one of the pre-cut fibrous insulation batts has a separable means therein extending for the length of the pre-cut fibrous insulation batt for permitting the facing sheet to be separated by hand along the length of the separable connector means of the pre-cut fibrous insulation batt whereby the pre-cut fibrous insulation batt with the facing sheet can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or easily separated into sections by hand at one of the separable connector means of the pre-cut fibrous insulation batt and the separable means of the facing sheet for insulating a cavity having a width less than the width of the pre-cut fibrous insulation batt.

16. The insulation package according to claim 13, wherein:

the successive batt sections have widths such that an integral batt can be formed having any of a series of selected widths that differ in width, predominately, in about 1 to about 2 inch increments.

17. A unitized insulation package comprising:

a plurality of insulation packages; means binding the plurality of insulation packages together as a unit; each of the insulation packages comprising a plurality of resilient fibrous insulation batts in a stack that is enveloped within a covering; each of the resilient fibrous insulation batts having a length, a width and a thickness; each of the resilient fibrous insulation

batts having a first major surface and a second major surface; the resilient fibrous insulation batts contained in a first set of the insulation packages being uncut resilient fibrous insulation batts and the resilient fibrous insulation batts contained in a second set of the insulation packages being pre-cut resilient fibrous insulation batts;

each of the pre-cut fibrous insulation batts contained in the second set of the insulation packages having a plurality of longitudinally extending batt sections formed in the pre-cut fibrous insulation batt by a plurality of longitudinally extending cut means spaced inwardly from lateral edges of the fibrous insulation batt and located intermediate the batt sections of the fibrous insulation batt; each of the cut means being closed to prevent a formation of thermal bridges in the direction of the thickness of the fibrous insulation batt; the batt sections being separably joined to adjacent batt sections by separable connector means, extending along the length of the pre-cut fibrous insulation batt, for holding the pre-cut fibrous insulation batt together for handling; and the separable connector means being separable by hand to separate adjacent batt sections whereby the pre-cut fibrous insulation batt can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or separated by hand into batt sections at one or more of the separable connector means for insulating a cavity having a lesser width; and

the first set of insulation packages being between 30% and 80% of the insulation packages in the unit; and the second set of insulation packages being between 20% and 70% of the insulation packages in the unit.

18. The unitized insulation package according to claim 17, wherein:

each of the resilient fibrous insulation batts is between about 10 inches and 24 inches in width; and successive batt sections of the batt sections of each of the pre-cut fibrous

insulation batts have widths such that, by separating at least one of the batt sections from the pre-cut fibrous insulation batt, an integral batt can be formed having any of a series of selected widths that range from a width of about $1\frac{1}{2}$ to 3 inches to a greater width less than the width of the pre-cut fibrous insulation batt and that differ in width in increments that are between about 1 inch and about 4 inches in width.

19. The unitized insulation package according to claim 18, wherein:

each of the resilient fibrous insulation batts is about 15 inches in width; and the successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths of about $2\frac{1}{2}$, 4, 4, and $4\frac{1}{2}$ inches.

20. The insulation package according to claim 18, wherein:

each of the resilient fibrous insulation batts is about 23 inches in width; and the successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths of about $3\frac{1}{2}$, 4, 4, and $11\frac{1}{2}$ inches.

21. The unitized insulation package according to claim 18, wherein:

each of the resilient fibrous insulation batts is about 23 inches in width; and the successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths of about 3, 4, 4, 3, 4 and 5 inches.

22. The unitized insulation package according to claim 18, wherein:

each of the resilient fibrous insulation batts is a resilient glass fiber insulation batt; the density of each of the resilient fibrous insulation batts is between about 0.4 pounds/ft³ and about

1.5 pounds/ft³; the length of each of the resilient fibrous insulation batts is at least 46 inches; the thickness of each of the fibrous insulation batts is at least 3 inches.

23. The unitized insulation package according to claim 18, wherein:

a facing sheet overlies and is bonded to the first major surface of each of the resilient fibrous insulation batts; and each of the facing sheets overlying and bonded to one of the pre-cut fibrous insulation batts has a separable means therein extending for the length of the pre-cut fibrous insulation batt for permitting the facing sheet to be separated by hand along the length of the separable connector means of the pre-cut fibrous insulation batt whereby the pre-cut fibrous insulation batt with the facing sheet can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or easily separated into sections by hand at one of the separable connector means of the pre-cut fibrous insulation batt and the separable means of the facing sheet for insulating a cavity having a width less than the width of the pre-cut fibrous insulation batt.

24. The unitized insulation package according to claim 23, wherein:

the separable means of each of the facing sheets bonded to one of the pre-cut fibrous insulation batts are perforated lines in the facing sheet.

25. The unitized insulation package according to claim 24, wherein:

perforations of each of the perforated lines of each of the facing sheets bonded to one pre-cut fibrous insulation batts are filled with a bonding agent that bonds the facing sheet to the first major surface of the pre-cut fibrous insulation batt to close the perforations so that the facing sheet functions as a vapor barrier.

26. The unitized insulation package according to claim 25, wherein:

each of the facing sheets has a first pair of tabs, adjacent lateral edges of the first major surface of and extending along the length of the resilient fibrous insulation batt to which the facing sheet is bonded, for securing the resilient fibrous insulation batt to framing members; and

each of the facing sheets bonded to one of the pre-cut fibrous insulation batts has additional pairs of tabs, at least substantially aligned with the separable connector means of and extending along the length of the pre-cut fibrous insulation batt to which the facing sheet is bonded, for securing the batt sections of the pre-cut fibrous insulation batt to framing members; and each tab of each the additional pairs of tabs is joined to the other of the pair of tabs by one of the perforated lines.

27. The unitized insulation package according to claim 17, wherein:

the separable connector means are formed in the pre-cut fibrous insulation batts by partial cuts in the pre-cut fibrous insulation batts intermediate adjacent batt sections of the pre-cut fibrous insulation batt and the partial cuts are closed to prevent the formation of thermal bridges by the resilience of the pre-cut fibrous insulation batt.

28. The unitized insulation package according to claim 17, wherein:

each of the cut means is a series of cuts passing from the first major surface to the second major surface of the pre-cut fibrous insulation batts; each of the separable connector means is a series of separable batt connectors separated and formed by the series of cuts; and the cuts are closed to prevent the formation of thermal bridges by the resilience of the pre-cut fibrous insulation batt.

29. The unitized insulation package according to claim 28, wherein:

each of the resilient fibrous insulation batts is between about 10 inches and 24 inches in width; and successive batt sections of the batt sections of each of the pre-cut fibrous insulation batts have widths such that, by separating at least one of the batt sections from the pre-cut fibrous insulation batt, an integral batt can be formed having any of a series of selected widths that range from a width of about $1\frac{1}{2}$ to 3 inches to a greater width less than the width of the pre-cut fibrous insulation batt and that differ in width in increments that are between about 1 inch and about 4 inches in width.

30. The unitized insulation package according to claim 29, wherein:

each of the resilient fibrous insulation batts is a resilient glass fiber insulation batt; the density of each of the resilient fibrous insulation batts is between about 0.4 pounds/ft³ and about 1.5 pounds/ft³; the length of each of the resilient fibrous insulation batts is at least 46 inches; the thickness of each of the fibrous insulation batts is at least 3 inches.

31. The unitized insulation package according to claim 29, wherein:

a facing sheet overlies and is bonded to the first major surface of each of the resilient fibrous insulation batts; and each of the facing sheets overlying and bonded to one of the pre-cut fibrous insulation batts has a separable means therein extending for the length of the pre-cut fibrous insulation batt for permitting the facing sheet to be separated by hand along the length of the separable connector means of the pre-cut fibrous insulation batt whereby the pre-cut fibrous insulation batt with the facing sheet can be handled as a unit for insulating a cavity having a width about equal to the width of the pre-cut fibrous insulation batt or easily separated into sections by hand at one of the separable connector means of the pre-cut fibrous insulation batt and the

separable means of the facing sheet for insulating a cavity having a width less than the width of the pre-cut fibrous insulation batt.

32. The unitized insulation package according to claim 29, wherein:

the successive batt sections have widths such that an integral batt can be formed having any of a series of selected widths that differ in width, predominately, in about 1 to about 2 inch increments.

EVIDENCE APPENDIX

No evidence has been entered in the record by the examiner.

RELATED PROCEEDINGS APPENDIX

There are no other appeals, interferences, or judicial proceedings or decisions, known to Appellants, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.